

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRANDON E. COOLEY, DDS AND AARON
C. COOLEY, DDS; CRAIG PEARCE, DMD
AND CRAIG PEARCE, DMD PLLC; SIMONE
W. KIM, DDS AND LISA W. PARK, DDS;
SUKHDEV SINGH, DMD; GLORIA TUCKER
DDS AND GLORIA TUCKER, DDS P.S., J.
BREWSTER BEDE DDS AND J. BREWSTER
BEDE DDS, P.S.; and DANIS L. LAIZURE
DMD d.b.a. WALLA WALLA DENTAL
CARE,

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

Civil Action No. 2:22-CV-00480-RSM-TLF

STIPULATION AND ORDER
TO EXTEND STAY OF
PROCEEDINGS FOR 90 DAYS

Plaintiffs Brandon E. Cooley, DDS and Aaron C. Cooley, DDS; Craig Pearce, DMD and
Craig Pearce, DMD PLLC; Simone W. Kim, DDS and Lisa W. Park, DDS; Sukhdev Singh, DMD,
Gloria Tucker DDS and Gloria Tucker, DDS P.S.; J. Brewster Bede DDS and J. Brewster Bede
DDS, P.S.; and Danis L. Laizure DMD, and Defendant Aspen American Insurance Company
stipulate to, and respectfully request on the terms set forth herein, a 90-day extension of the stay of

proceedings the Court entered in this case on May 4, 2022.

WHEREAS:

1. On March 11, 2022, Plaintiffs filed this action in King County Superior Court.

2. On April 11, 2022, Defendant removed the action to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 and Rule 101 of the Local Civil Rules.

3. On April 27, 2022, the parties stipulated to stay all proceedings in this case for 90 days.

4. On May 4, 2022, having considered the parties' stipulation, the Court issued an order staying all proceedings in this action for 90 days. Docket No. 18. The Court further provided in its Order that the parties could stipulate to further extend the stay at a later date. *Id.* at 5.

5. This action was stayed because:

- a. It is a COVID-19 property insurance case in which Plaintiffs seek insurance coverage from Defendant for losses resulting from compliance with government COVID-19 orders;
- b. The threshold legal issues in this case were being considered by appellate courts interpreting and applying Washington law; and
- c. The resolution of those appeals could provide guidance regarding the proper resolution of this action and may narrow the issues presented to and litigated before this Court.

6. The relevant appeals remain pending as of this date.

7. An extension of the stay by 90 days will allow the parties to efficiently litigate this case and preserve party and Court resources.

8. The parties agree that Defendant will answer, move, or otherwise respond to Plaintiffs' complaint 30 days after the expiration of the stay, unless the stay is further extended.

9. The stipulation will not prejudice either party. The parties do not waive any claims or defenses with this stipulation.

IT IS HEREBY STIPULATED AND AGREED, pending the Court's approval, that the stay the Court issued on May 4, 2022, is extended for 90 days from the date the Court enters an Order granting this stipulation. The parties may stipulate to extend the stay at a later date. Either party may also move to dissolve the stay at an earlier date if circumstances warrant. Defendant will answer, move, or otherwise respond to Plaintiffs' complaint 30 days after the expiration of the stay, unless the stay is extended.

The parties respectfully request the Court to enter the accompanying Proposed Order granting the relief to which the parties have stipulated.

DATED this 26th day of July, 2022.

KELLER ROHRBACK L.L.P.

SIDLEY AUSTIN LLP

*/s/ Gabe Verdugo

/s/ Robin E. Wechkin

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**Signed with permission.*

Attorneys for Defendant

ORDER

The Court has considered the parties' Stipulated and [Proposed] Order. In light of the parties' request to extend the stay previously issued in this case, and because the threshold legal issues presented here are currently being considered by appellate courts applying and interpreting Washington law, the Court **HEREBY ORDERS** that the stay is extended by 90 days. The parties may stipulate to a further extension of the stay at a later date, and either party may move to dissolve the stay at an earlier date if circumstances warrant.

IT IS SO ORDERED.

Dated: July 29, 2022



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

PRESENTED BY:

SIDLEY AUSTIN LLP

/s/ Robin E. Wechkin

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on this 26th day of July, 2022, I caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to the parties who have appeared in this case.

/s/ Robin E. Wechkin

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